

Draft: 6-19-08

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

Local Law Filing

Village of Croton-on-Hudson

Local Law No. __ of the year 2008

A local law in relation to regulation, preservation and protection of steep slopes.

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

SECTION 1. Chapter 195 of the Code of the Village of Croton-on-Hudson entitled “Steep Slope Protection” is repealed.

SECTION 2. A new Chapter 195 of the Code of the Village of Croton-on-Hudson entitled “Steep Slope Protection” is added to read as follows:

Chapter 195: STEEP SLOPE PROTECTION

ARTICLE I General Provisions

§ 195-1. Legislative findings.

The Village Board of the Village of Croton-on-Hudson finds and declares it to be the public policy of the Village to preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, preserve wetlands, water bodies and watercourses, prevent flooding, protect important scenic views and vistas, preserve areas of wildlife habitat, provide safe building sites and protect adjoining property by preventing surface erosion, creep and sudden slope failure. In this connection, the Village Board finds as follows:

- A. Protection of steep slopes is a matter of concern to the entire Village. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare. Experience has demonstrated a need for effective protection of steep slopes, including careful review and regulation and the implementation of stringent mitigation measures where, in the opinion of the approving authority, no practicable alternative to such disturbance exists. However, in all cases where the approving authority determines that total avoidance of steep slopes is not practicable, such disturbance should constitute the minimum disturbance necessary to ensure the property owner a reasonable use of his property.
- B. The improperly managed disturbance of steep slopes can aggravate erosion and sedimentation beyond rates experienced in natural geomorphological processes. Erosion and sedimentation often include the loss of topsoil, a valuable natural resource, and can result in the disturbance of habitats, degradation of the quality of surface water, alteration of drainage patterns, the gulying of land, obstruction of drainage structures and intensification of flooding both on and off the subject site.
- C. The inadequately controlled disturbance of steep slopes can lead to the failure of slopes and the mass movement of earth, danger to the natural environment, man-made structures and the safety of persons, and the degradation of aesthetics.
- D. Steep slopes, including vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the visual impression one forms while traveling through Croton-on-Hudson. Areas that are highly visible from the roadways are particularly important in maintaining the Village's semi-rural character. Overdevelopment of or improperly managed disturbance to these areas are detrimental to the visual character of the Village.
- E. Regulation of disturbance to steep slopes is consistent with the legitimate interests of landowners to make reasonable use of their land. Regulation can prohibit the degradation of these important environmental features and allow the reasonable use of private property by encouraging flexible development design so as to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes, conducted in accordance with acceptable engineering practices, to permit reasonable use of private property.
- F. To mitigate the potential adverse impacts of development on steep slopes, the approving authority should seek the permanent preservation of such areas by such means as the use of imaginative and innovative site design, including the application of §7-738, Subdivision Review; Approval of Cluster Development, of the New York State Village Law, and the establishment of conservation easements and other land preservation techniques.

§ 195-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock materials can deviate from the horizontal without incurring the likelihood of a slope failure.

APPLICANT — Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof, filing an application pursuant to this chapter.

APPROVING AUTHORITY — The Village agency or public official empowered to administer the permit procedures of this chapter, as specified in §195-5 hereof.

BUILDING INSPECTOR — The Building Inspector of the Village of Croton-on-Hudson, New York, or his or her authorized representative.

DISTURBANCE — The removal of vegetation, except as specifically permitted in § 195-3B herein, or the filling, excavation, regrading or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

PERSON — Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

PLANNING BOARD — The Planning Board of the Village of Croton-on-Hudson.

STEEP SLOPE:

- A. Any geographical area, whether on a single lot or not, having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), with a minimum horizontal dimension of 10 feet, whether man-made or natural, and whether created by a retaining structure or not. Steep slopes are further categorized as:

- (1) MODERATELY STEEP SLOPE — A slope equal to or greater than 15% but less than 25%.
- (2) VERY STEEP SLOPE — A slope equal to or greater than 25% but less than 35%.
- (3) EXTREMELY STEEP SLOPE — A slope equal to or greater than 35%.

STEEP SLOPE PERMIT — The written form of Village approval granted by the approving authority and required by this chapter for the issuance of a work permit and the conduct of any steep slope regulated activity.

VILLAGE ENGINEER — The person employed as a Village Engineer of the Village of Croton-on-Hudson, or his or her designee.

WORK PERMIT — The written approval issued by the Building Inspector permitting the actual commencement and continuation of work within a steep slope regulated area, consistent with the conditions, terms and requirements of the steep slope permit issued by the approving authority.

ARTICLE II

Regulated Activities and Review Standards

§ 195-3. Applicability.

A. Regulated activities. Other than an exempt activity as defined in § 195-3B hereof, it shall be unlawful to create a new steep slope or create a disturbance to an existing steep slope, in an amount equal to or greater than the areas described in subsections (1) through (4) below or in an amount equal to or greater than 50% of any existing individual lot area, in the absence of a steep slope permit issued by the approving authority and a work permit issued by the Building Inspector.

- (1) Steep slope areas.
 - (a) Moderately Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 3/10 of an acre or 13,068 square feet.
 - (b) Very Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 2/10 of an acre or 8,712 square feet.

- (c) Extremely Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 1/10 of an acre or 4,356 square feet.
- (2) The most steeply sloped area that meets the minimum area threshold, as specified above, shall determine approving authority jurisdiction and review procedures.
- (3) If the areas of proposed disturbance within each of the three categories of steep slope are individually less than the minimum areas defined above, then the area of all contiguous steeply sloped areas proposed for disturbance shall be merged as specified herein. A steep slope area shall be regulated pursuant to the provisions of this chapter if the total of all such steeply sloped areas proposed for disturbance, as adjusted according to the weighting factors identified below, exceeds a sum of 3/10 of an acre or 13,068 square feet.

$$\begin{aligned}
 & \text{Moderately steep slope area X 1.0} \\
 & + \text{Very steep slope area X 1.5} \\
 & + \text{Extremely steep slope area X 3.0} \\
 & = \text{Total weighted area}
 \end{aligned}$$

- (4) If no category of steep slope meets or exceeds the minimum area requirement for a steep slope, but the total weighted area of two or more slope categories exceeds 13,068 square feet (3/10 acre), then the single slope category that has the largest area after the application of the relevant weighting factor shall determine approving authority jurisdiction and review procedures.

B. Exempt activities. The following activities on steep slopes do not require the issuance of a permit:

- (1) Normal ground maintenance, including mowing, trimming and pruning of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading and further provided that such activity conforms with all other applicable ordinances, laws and regulations.
- (2) The disturbance to steep slopes under temporary emergency conditions, as determined by the Village Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.

§ 195-4. Review standards.

- A. In granting a steep slope permit under this chapter, the approving authority shall apply the following standards:
- (1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the purpose and findings set forth in § 195-1 of this chapter.
 - (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize additional erosion to the maximum extent practicable.
 - (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses, floodplains, or any endangered species of flora or fauna.
 - (4) That the proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect existing, proposed or potential future wells or sewage disposal systems.
 - (5) That the proposed activity and the manner in which it is to be accomplished are consistent with the principles and recommendation of the Village Comprehensive Plan adopted by the Village Board.
 - (6) Lot layouts shall be designed so that sanitary sewage disposal systems entirely avoid areas of very steep slope and extremely steep slope and are in compliance with all standards and regulations of the Westchester County Health Department.
 - (7) The padding or terracing of building sites shall be evaluated on a site-by-site basis for appropriateness. The mounding of septic tile fields shall be minimized to the maximum extent practicable.
 - (8) The alignment of roads and driveways shall follow the natural topography, minimize regrading and, in the case of roads, shall comply with design standards for maximum grades set forth in the Village Code.
 - (9) The natural elevations and vegetative cover of ridge lines shall be protected from disturbance to the maximum extent possible.

- (10) All regrading shall blend in with the natural contours and undulations of the land.
- (11) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.
- (12) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used. Generally for soils, cut and fill slopes should be not steeper than two horizontal to one vertical (50% slope).
- (13) Fill slopes shall avoid all slopes of two horizontal to one vertical (50% slope) or steeper. The toe of the fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.
- (14) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus $1/5$ of the height of the cut or fill or 10 feet.
- (15) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance will be considered to be six feet plus $1/5$ the height of the cut or fill but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.
- (16) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2005, most recent version including applicable updates or its successors) or its equivalent satisfactory to the approving authority.

B. The applicant shall have the burden of proof to demonstrate compliance with this chapter.

ARTICLE III
Application Procedures

§ 195-5. Approving authority.

The approving authority for all applications for steep slope permits shall be as follows:

- A. For any application that involves a regulated disturbance in an area of very steep slope or extremely steep slope, the Planning Board shall be the approving authority for the steep slope permit.
- B. The Planning Board shall be the approving authority for any application involving property that is also the subject of a pending site plan, minor site plan, subdivision or special permit application, or fill or excavation permit in accordance with the Code of the Village of Croton-on-Hudson, and for any application that also involves the construction or establishment of a principal building or use.
- C. Except as noted above in § 195-5A and B, the Village Engineer shall be the approving authority for all steep slope permit applications.

§ 195-6. Application requirements.

- A. Required documentation. An application for a steep slope permit shall be made on forms furnished by the Building Department.
- B. Any application for a steep slope permit shall also contain the following:
 - (1) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.
 - (2) A site plan, which shall be drawn at a scale of not less than one inch equals 50 feet and prepared by a landscape architect, architect, professional engineer or other qualified person and showing the following information for all lots on the subject site that contain steep slopes:
 - (a) The location of proposed structures, septic systems, wells and driveways.
 - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads, and affected wetlands as defined in Chapter 227, Wetlands, of the Village Code, if any, within 50 feet of the boundaries of the disturbed area.

- (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance.
 - (d) The location and size of areas of extremely steep slope, very steep slope and moderately steep slope under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof.
 - (e) The proposed final contours of the disturbed area at a maximum contour interval of two feet and proposed surface materials or treatment.
 - (f) An erosion and sedimentation control plan.
 - (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion-control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
- (3) A list of all applicable county, state or federal permits that are required for such work or improvement.
 - (4) Payment of all applicable fees.
- C. The following information and materials shall be supplied if requested by the approving authority or its representative:
- (1) If required, the following items shall be provided on a site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, professional engineer or other qualified person:
 - (a) Cross sections of all disturbed steep slope areas.
 - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factor, and soil and rock strata in all areas of disturbance shall be identified.

- (c) A cut-fill map delineating proposed areas of disturbance at affected depths in feet of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
 - (d) A slope map showing existing and proposed slopes within the disturbed area for each of the soil types described in Subsection C(1)(b) above.
 - (e) Other information, including specific reports by qualified professionals on soils, geology and hydrology, as may be determined to be necessary by the approving authority.
- (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the approving authority, proposed controls and diversions of upland water.
- D. Number of copies. Ten copies of the application and all supporting materials shall be submitted if the Planning Board is the approving authority. Four copies of the application and all supporting materials shall be submitted if the Village Engineer is the approving authority.
- E. A Stormwater Pollution Prevention Plan consistent with the requirements of Chapter 196, Stormwater Management and Erosion and Sediment Control, shall be required for any steep slope permit approval that qualifies as or authorizes a land development activity as defined in Chapter 196. The SWPPP shall meet the performance and design criteria and standards in Chapter 196. The approved steep slope permit shall be consistent with the provisions of that chapter.

§ 195-7. Fees.

- A. An application fee and any inspection fee as set forth by resolution of the Board of Trustees shall be submitted with the application.
- B. The applicant shall pay for professional review fees as provided for in Chapters 115, Environmental Compliance, and 178, Professional Fees, of the Village Code.

§ 195-8. Procedures for review and decision making.

- A. It is the intent of this chapter to incorporate the consideration of steep slope protection into the Village's existing land use and development approval procedures in conjunction with the procedures of the New York State Environmental Quality Review Act. To the maximum extent possible, the review,

hearings and decisions upon any application processed under this chapter will run concurrently with similar procedures that the approving authority may undertake in connection with other applications that are directly related.

- B. A preliminary informal consultation with the approving authority may be requested by the applicant so as to present his preliminary proposal and receive comments on such proposal.
- C. During its review of the application, the approving authority will:
 - (1) Determine when an application is complete.
 - (2) Hold a public hearing, if required in accordance with § 195-8D hereof.
 - (3) Review the application to determine that the requirements of this chapter have been satisfied.
 - (4) Require posting of a performance, guaranty and/or erosion control bond(s) or other security as a condition of approval, the amount and surety of such bonds to be approved by the Village Board of Trustees and the form of such security to be approved by Village Counsel. The performance and/guaranty bond is intended to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom. The erosion control bond is intended to ensure the proper installation and maintenance of the erosion control measures. Prior to any bond reduction or release application, the Village Engineer may require the applicant to provide a certificate of construction compliance from a New York licensed engineer. The bond(s) shall remain in effect until the Village Engineer certifies that the work has been completed in compliance with the terms of the permit, the approved building plans, any certificate of construction compliance from a New York licensed engineer required by the Village Engineer, and any required restoration of the area or other required measures to protect adjoining property owners from damage, whereupon the bond shall be released or reduced after authorization of the Village Board of Trustees following public notice and hearing. A substitute bond may be provided as approved by the Village Board of Trustees.
 - (5) Approve, approve with conditions, or deny the application, in accordance with the requirements of this chapter within 60 days after the receipt of a complete application, as specified in § 195-6 of this chapter, or after the close of a public hearing on the application, whichever is later. Nothing in

this section is to be construed as authorization for a default approval in the event that these periods are exceeded.

- (6) Establish conditions of approval deemed necessary by the approving authority to satisfy the goals, objectives and review standards set forth in §§ 195-1 and 195-4 of this chapter including but not limited to the following:
 - (a) The use of explosives shall be avoided to the maximum extent practicable. Generally, disturbance of rock outcrops shall be by means of explosives only if manual labor and machines are not effective and only if rock blasting is conducted in accordance with the Code of the Village of Croton-on-Hudson and all other applicable regulations by a person holding a current Class A or Class B certificate of competence from the New York State Department of Labor.
 - (b) Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
 - (c) The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
 - (d) Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
 - (e) Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
 - (f) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to minimize erosion and sedimentation, and shall be replaced on the site at the time of final grading.

- (g) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.
- (h) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

D. Public hearings.

- (1) For any application in which the approving authority is the Village Engineer, no public hearing will be required. For any application where the Planning Board is the approving authority, the Planning Board shall have the option of holding a public hearing.
- (2) In all cases where a public hearing will be held on the application for a steep slope permit, said public hearing will be held no later than 60 days after the receipt of such complete application. The approving authority will cause notice of such hearing to be published in the Village's official newspaper at least five days prior to the date set for such hearing. All application materials, maps and documents relating thereto shall be open for public inspection at the office of the Village Building and Engineering Department. Nothing in this section is to be construed as authorization for a default approval in the event that these periods are exceeded.

E. Any approval, conditional approval or denial of a steep slope permit will be in writing. The written decision of the approving authority shall be considered the steep slope permit.

- (1) In the case of a denial or conditional approval, such written decision will state the reasons for the denial and/or the conditions of approval.
- (2) Where the Planning Board is the approving authority, such decision will be in the form of a resolution.

§ 195-9. Appeals.

- A. An applicant or any other aggrieved person may seek a review of a determination by the Planning Board to grant or deny a steep slope permit by the commencement of an action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules.
- B. In the case of an application decided by the Village Engineer, the applicant or any other aggrieved person may seek a review by appealing to the Planning Board, in

which case the Planning Board shall become the approving authority for such application. Such review shall be requested not later than 20 days after the filing of the subject decision by the approving authority. If such appeal is not filed within said period, the determination of the Village Engineer shall be final and binding.

§ 195-10. Completion of work.

- A. A steep slope permit, issued by the approving authority, will be valid for a period of three years, except that all permits shall expire on completion of the work specified. The approving authority may grant one six-month extension to this three-year period, provided that an application for an extension is submitted at least 60 days before the expiration of the steep slope permit. Standards for the issuance of renewals will be the same as those applied to the initial issuance of steep slope permits. Permits, including all of their conditions, shall be binding on successors and assignees of the applicant. Upon receipt of a steep slope permit, the applicant may apply for a work permit from the Building Inspector to commence the actual work within the steep slope area. The work permit will be valid for a period of one year or until expiration of the steep slope permit, whichever occurs first.
- B. Following completion of the work, the applicant shall submit a certification by a landscape architect, architect or professional engineer that the completed work meets the requirements of the steep slope permit. The Village Engineer will verify that the work has been completed in accordance with such permit. Submission of an as-built survey may be required by the approving authority or the Village Engineer.
- C. The Building Inspector shall not issue a certificate of occupancy or use until the Village Engineer has verified that all work has been completed in accordance with the steep slope permit.
- D. Any proposed revision to work covered by a steep slope permit shall be reviewed by the Village Engineer. Where the Village Engineer determines that a substantial revision is proposed, the submission of a new application to the approving authority shall be required.
- E. The approving authority, after notice to the permit holder and an opportunity to be heard, may revoke or suspend a steep slope permit if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the steep slope permit or has failed to undertake the project in the manner set forth in such steep slope permit.

- F. Issuance of a stop-work order by the Village Engineer shall be as provided in Section 86-14 of the Village Code. A stop-work order may be appealed by filing a written notice of appeal with the Planning Board not later than 30 days after service of the stop-work order upon the applicant. A hearing shall be scheduled by the Planning Board within 20 days of receipt of request for a hearing. After the close of the hearing, the Planning Board may confirm, modify or cancel the stop-work order.
- G. The approving authority shall set forth, in writing, in the permit application file it keeps, its findings and reasons for revoking or suspending a permit pursuant to this section.

ARTICLE IV Enforcement

§ 195-11. Inspection.

Any site for which an application has been submitted shall be subject to inspection at any reasonable time, including weekends and holidays, by the members of the approving authority or its designated representatives. Notice will be provided to applicants of any site inspection that is to be performed on a weekend, a legal holiday or between the hours of 6:30 p.m. and 8:00 a.m. The applicant shall indemnify and hold the Village, its officers, employees and agents harmless against any damage or injury which may be caused by or arise out of any entry onto the subject site in connection with the processing of the application or inspection of the site to determine compliance with any conditions of permit approval during the pendency of the application, during the effective period of any steep slope permit or work permit issued for the site and for up to one year after completion of the work.

§ 195-12. Penalties for offenses.

- A. Any person who undertakes any regulated activity without a steep slope permit required by this chapter or who violates any condition attached to a steep slope permit or who otherwise violates any provision of this chapter shall be guilty of an offense, punishable by a fine of not less than \$500.00 nor more than \$1,000.00. For a second and each subsequent offense, the violator shall be guilty of an offense punishable by a fine of not less than \$1,000.00 nor more than \$2,000.00 or a term of imprisonment of not more than 15 days, or both. Each violation of the provisions of this chapter shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, any court having jurisdiction may order or direct a violator to restore the affected steep slope area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for

the completion of such restoration, which shall be effected under the supervision of the Village Engineer.

- B. In addition to the criminal penalties provided under §195-12A, any person who undertakes any regulated activity within a steep slope area without both a steep slope permit and a work permit or who violates any condition attached to a steep slope permit or who otherwise violates any provision of this chapter shall be liable for a civil penalty not to exceed \$3,000.00 for each such violation. Each consecutive day of the violation shall be considered a separate offense. Before assessment of the civil penalty, the alleged violator shall be afforded a hearing or opportunity to be heard before the Planning Board upon due notice, and with rights to specification of the charges and representation by counsel. Such civil penalty may be recovered in an action brought by the Village in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Village, and any action commenced to recover the same may be settled and discontinued by the Village.
- C. The Planning Board also shall have the power, following a hearing, to direct a violator to cease violation of this chapter and under the Board's supervision, to restore satisfactorily the affected steep slope area to its condition prior to the violation, insofar as that is possible, within a reasonable time. Exercising of such power may be with or without the imposition of a fine or civil penalty under Subsections A and B hereof.
- D. Any civil penalty or order issued by the Planning Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- E. The Village shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this chapter and to compel the restoration of the affected steep slope area to its condition prior to the violation of the provisions of this chapter.
- F. The Village shall not issue a building permit, temporary certificate of occupancy or certificate of occupancy for any property for which a violation of this chapter has been served, or for which an administrative or judicial proceeding has been commenced under this section, until said violation or proceeding is dismissed or resolved to the satisfaction of the approving authority or court, as is appropriate.
- G. The Village Engineer and Code Enforcement Officer(s) are hereby authorized to issue appearance tickets for violations of this chapter.

§ 195-13. Pre-existing approvals and permits.

- A. The provisions of this chapter shall not apply to any development, alteration or improvement of property for which final approval has been obtained and not expired and for which the approved work has not been completed prior to the effective date of this chapter.
- B. As used in this section, the term "final approval" shall mean:
- (1) In the case of an application for the subdivision of land not requiring further site plan approval, adoption by the Planning Board of a resolution granting approval or conditional approval of a final plat.
 - (2) In the case of an application for a site plan approval, adoption by the Planning Board of a resolution granting approval or conditional approval.
 - (3) In those cases not covered by Subsection A or B above, the prior issuance of a building permit, driveway permit or other authorization for the commencement of the development, alteration or improvement of property; or for those developments, alterations or improvements for which the Village of Croton-on-Hudson does not require such permits, the actual commencement of the development, alteration or improvement of property.

§ 195-14. Severability.

If any provision of this chapter shall be held for any reason to be invalid, such determination shall not invalidate any other provision hereof.

SECTION 3. This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.